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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

FRANCIS SHANE, MICHAEL WILBON,
JOHNNY HOUSTON, SHAWN THOMAS,
YAHTEK JOHNSON, RONELLE
ANTHONY,

Defendants.

No. 23-CR-52 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

Before the Court is an application by Defendants Shane, Wilbon, and Johnson to hold Defendant Shane's motion to dismiss, which Defendant Wilbon has joined, in abeyance pending the Second Circuit's ruling in *United States v. Hussain (Barrett)*, No. 21-1379. Defendants Anthony and Houston have similarly expressed their desire to adjourn the May 6, 2024 trial pending the resolution of *Hussain (Barrett)*.

Although the Government may be correct that *United States v. McCoy*, 58 F.4th 72 (2d Cir. 2023) determines the outcome of the pending motion to dismiss, the Court will nonetheless delay its adjudication of the motion until the Second Circuit decides *Hussain (Barrett)*. Accordingly, if by April 11, 2024 the Second Circuit has not resolved or issued an order in *Hussain (Barrett)*, the May 6, 2024 trial will be adjourned.

SO ORDERED.

Dated: January 3, 2024
New York, New York



Ronnie Abrams
United States District Judge